

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

The Notice of Non-Compliant Amendment dated January 5, 2009 stated that:

Several of the amended claims, for example claim 9, contain terms that are underlined, crossed out and in double brackets. It is not clear if the limitations that are crossed out and in double brackets are cancelled or if only one of the two is cancelled. The format of the amended claims must be consistent.

First, it is noted that no words in the claims were both crossed out and in double brackets. Instead, in full compliance with the MPEP, each portion of the claims to be deleted was either crossed out or in double brackets.

MPEP 714 II.C.(B) explains that changes to any amended claim must be shown by strike through (for deleted matter) or underlining (for added matter). This same section also explains that “for deletion of five or fewer consecutive characters, double brackets may be used (e.g., [[error]])” (example in MPEP). Thus, the MPEP expressly provides that subject matter can be deleted by strike through or double brackets.

Further, the MPEP does not state that only strike through or double brackets, but not both, can be used in a claim. Such a position is inconsistent with the exception described above as double brackets could only be used if *every part* of the claim to be deleted was five or fewer consecutive characters. The MPEP does not contain any such limit.

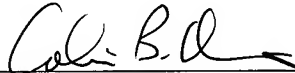
Also, if any one part of the claim to be deleted is greater than five consecutive characters, then the position taken in the Notice of Non-Compliant Amendment is inconsistent with the same section of the MPEP that states that double brackets *must be used* if strike-through cannot be easily perceived (i.e. to delete 4).

Thus, if the position that both double brackets and strike through cannot be used to delete subject matter is maintained, Applicant respectfully requests that the Office provide the section in the MPEP that supports such a position.

Accordingly, Applicant respectfully submits that the markings to show the changes to the claims in the amendment filed on September 22, 2008, were fully compliant with the MPEP. Thus, an action on the merits is earnestly solicited.

Respectfully submitted,

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